

EXHIBIT B

July 19, 2021

MC 19017261

Attachment to Request for Restitution

Victim Impact Statement

My name is Anh Le. I am a Vietnamese American, a journalist, and a father. I am 69 years old. And I am a survivor of a horrendous attack that took place here in San Francisco, with no consequences to my attackers. Although the defendant in this case, Jimmy Tanner, Sr. was arrested for Felony Elder Abuse, Felony Terroristic Threats, and Battery, because of the way this case has been handled, justice has not been served.

On November 2, 2019, while I was out for a walk in Chinatown, I was suddenly and violently attacked by Jimmy Tanner, Sr., and his adolescent son attacked me with a long baseball bat in broad daylight, in front of a Chinese grocery store at 1118 Stockton Street in front of a shocked crowd of people. Jimmy Tanner's son repeatedly struck me with the long baseball bat. Jimmy Tanner threatened to kill me and attacked me with a heavy glass bottle. His son also threatened to kill me. Mr. Tanner's wife, along with another adolescent son, seemed to watch with glee while her husband and son brutally attacked me, after first providing the baseball bat to her son. I pleaded with the Tanners to stop, but they relished in their ability to inflict pain and fear on a defenseless senior citizen. The attack was the most brutal, terrifying, and humiliating experience of my life, and has stayed with me ever since. Simply describing and reliving these events to give this statement is more painful and traumatic than I can describe. My mental health and well-being have suffered every day since this attack took place.

Prior to the attack, my only interaction with Mr. Tanner and his family was when I politely asked his son to be careful because he was riding his bicycle very quickly on a crowded sidewalk and nearly collided with me. Moments later, Mr. Tanner's son struck me repeatedly with a long black baseball bat that he retrieved from his mother's bag. Then Jimmy Tanner came forward and raised a glass bottle and threatened to kill me. I did all I could to survive in that moment and tried to get away from him as fast as I could, and managed to get to the street intersection about a half block away where I crossed the street for safety, and it was only there that I was able to dial 911. While I tried to get away from Jimmy Tanner and his son, both of them continued to attack me and pursued me, threatening to kill me and assaulting me, and the son repeatedly hitting me with the long baseball bat.

I understand that I am not the only member of the Asian American community that Mr. Tanner and his son terrorized that day. I have since learned that earlier that same afternoon shortly before they attacked and assaulted me, the Tanners entered the S & M Ginseng Inc and Chinese Herbal Store at 1000 Stockton Street, a few blocks from where I was attacked, and threatened the store owner and customers. That earlier incident was caught by the store's security cameras. Jimmy Tanner's son also hit one of the customers at S & M Ginseng Inc store with his long baseball bat. I understand that the owner of that store turned over the security cameras' film footage to the San Francisco Police Department. I also learned that later that day, the Tanners committed a third terroristic attack near Broadway and Stockton Street.

Although I was easily able to identify the Tanners for the police, which led to their arrest that evening, my experience with the justice system since has only served to re-victimize me and has contributed to my feelings of fear, anger, and helplessness. As I will describe below, the San

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Francisco DA's office has repeatedly failed to provide me with any measure of justice, safety, or closure.

First, the DA's office did not communicate with me concerning the charges it might press against my attackers, and I was simply left in the dark as to what would happen next.

Second, although I'm certain the unprovoked attacks against me and other Asian Americans in Chinatown were motivated by anti-Asian hate, I have never been told why the DA's office did not charge Mr. Tanner with a hate crime, or whether it even considered hate crime charges given the Tanners' pattern and practice of repeatedly assaulting and attacking people of Asian descent who reside in San Francisco.

Third, the DA's office sent me a restraining order/Criminal Protective Order (CPO) that was supposedly provided for my own protection. However, the CPO is inaccurate because it identifies several individuals to be protected that have nothing to do with my case. Moreover, the CPO is woefully inadequate because it omits my last name, and only refers to me as "Anh L." Despite my many requests, the DA's office has never explained why my last name was omitted, or what I could do to fix the order myself given that it refused to do so on my behalf. As of today, nearly two years after Mr. Tanner and his family violently attacked me, I still do not know whether the DA's office has secured the correct restraining order/Criminal Protective Order to keep me and my family safe from the Tanners.

Finally, the DA's office never informed or consulted me prior to entering into a plea deal with Mr. Tanner, under which he only received probation, despite the fact that he and his family violently assaulted multiple people, including me, on November 2, 2019. I was outraged about being left in the dark again. I cannot fathom how the punishment for attacking and terrorizing an elderly man is a proverbial slap on the wrist.

Mr. Tanner took away my dignity and sense of safety, and as I described above, the DA's office has taken away my hope for justice and allowed a violent criminal, Jimmy Tanner, Sr., and his adolescent son, to roam the street looking for more victims and preying on elderly Asian Americans to attack and assault.

Ever since November 2019, I cannot help but picture the attack over and over again. I no longer feel safe walking the streets of our city, as I used to love to do. I look over my shoulder and wonder if there are people who want to hurt me because I am Asian American. I simply no longer feel safe or welcome in this city I have loved for so many years. Knowing that the attack was never acknowledged as a hate crime, and that Mr. Tanner and his son will suffer no meaningful criminal consequences for their cowardly attacks, is a disgrace on the part of the DA's office and the city of San Francisco, and an insult to the brave SFPD officers who arrested the Tanners in an effort to keep people like me safe.

Although I was extraordinarily lucky not to have been seriously injured or killed, the attack has left me with a profound and lasting feeling of fear, anxiety, helplessness, and hopelessness. For 20 months since the attack, I have not slept soundly even a single night and live with constant anxiety. I rarely leave the house. And my relationships with my family and friends have been

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impacted as well. I recently realized that I need professional help to deal with the trauma and anxiety and PTSD caused by the attack.

I therefore respectfully ask the Court to award me restitution for co-pays for my visits to a psychotherapist (\$33.92 per weekly visit x 52 weeks = **\$1,763.84**), in recognition of what this attack has cost me and my ongoing pain and suffering. I also ask that the Court grant me a restraining order/Criminal Protective Order, for the greatest possible time and with the greatest possible distance requirements, against the Tanners to protect my family and myself given that the DA's office cannot assure me that they have done this correctly.

My true losses cannot be quantified, but this acknowledgement, which I've otherwise been denied by our justice system, is very important to me as I begin the process of healing, with the help of mental health professionals.

I thank the Court for the opportunity to be heard through this statement and for its consideration of my request.

Respectfully Submitted,

Anh Le